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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,924	02/06/2004	Arthur Reginald Greef	M61.12-0574	8474

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EXAMINER

SHAAWAT, MUSSA A

ART UNIT	PAPER NUMBER
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3627

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07/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/773,924	Applicant(s) GREEF ET AL.	
	Examiner MUSSA A. SHAAWAT	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/5/2005, 2/6/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to application # 10/773924 filed on 02/06/2004. Claims 1-19 are pending examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-4 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is directed to **computer program**, which do not fall within the four statutory classes of 101. Computer program are non-statutory subject matter unless embodied within a computer-readable storage medium such as computer hard disk or the like. Appropriate corrections are required to overcome the 101 rejections.

4. Claims 5-13 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876).

5. An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product)

to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps, fail the first and second prongs of the new Federal Circuit decision since they are not tied to another statutory class or provide a transformation.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 5 and 14 recite "defining an action sequence for the plurality of documents", this limitation renders the claims indefinite. For the purpose of examination the claim language will be interpreted as best understood by the examiner.

Dependent claims are rejected based on their dependency from rejected claims.

Appropriate action is required by applicant.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Meltzer et al., US Patent No. (6,125,391) referred to hereinafter as Meltzer.

As per claim 5, Meltzer teaches a method for establishing a communication protocol between a first computer and a second computer, comprising: identifying a plurality of documents associated with a transaction; defining an action sequence for the plurality of documents (see at least col.84 lines 15-35 and col.31 lines 25-40); and creating one of the plurality of documents based on the action sequence (see at least col. 3 lines 19-45 and col. 11 lines 1-25 and col. 12 lines 1-25).

As per claim 6 Meltzer teaches a method of claim 5 and further comprising: checking a version identifier to see if the first computer and second computer include the same version of a process template related to the action sequence (see at least col.29 lines 25-55).

As per claim 8, Meltzer teaches a method of claim 5 and further comprising: rendering a document based on a set of rendering rules for each of the documents (col. 23 lines 55-60, col. 81 lines 35-40).

As per claim 9, Meltzer teaches a method of claim 5 and further comprising: defining actions that can be performed on each of the documents (see col. 84 lines 15-35 and col. 31 lines 25-40).

As per claim 10, Meltzer teaches a method of claim 9 and further comprising: creating one of the documents based on a relationship between the first computer and the second computer (see at least col. 20 and col. 8, col. 11 lines 1-10).

As per claim 11, Meltzer teaches a method of claim 10 wherein the first computer is associated with a supplier and the second computer is associated with a customer (see at least col.2 lines 45-55).

As per claim 12, Meltzer teaches a method of claim 5 and further comprising: routing the documents from the first computer to the second computer based on routing rules (see at least col.82 lines 25-50 and col. 9 lines 35-45).

As per claim 13, Meltzer teaches a method of claim 5 and further comprising: integrating information in each of the documents into an application on one of the first computer and the second computer (see at least col. 8 lines 12-25).

As Per claims 1-4, 14-16 and 18-19, the limitations of claims 1-4, 14-16 and 18-19 are similar to the limitations of claims 5-6 and 8-13, therefore they are rejected based on the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al., US Patent No. (6,125,391) referred to hereinafter as Meltzer.

Meltzer does not expressly teach process template. However Meltzer teaches a business interface definition (BID) that tells potential trading partners the service the company offers and the document to use when communicating with such service, in addition the BID allows customer to place an order submitting a PO compliant with a document definition published in BID and the BID allows the supplier to check

availability by downloading an inventory status report compliant with document definition published in the BID of a business system managing inventory (see at least col. 2 lines 40-55). It would have been obvious to one of ordinary skill in the art at the time the invention to modify Meltzer to include process template, in order to meets the need of business partners.

As per claim 17, the limitation of claim 17 are similar to the limitation of claim 7, therefore they are rejected based on the same rationale.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form 892 for cited references.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSSA A. SHAAWAT whose telephone number is (571)272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mussa A Shaawat/
Examiner, Art Unit 3627
July 14, 2008

/F. Ryan Zeender/
Supervisory Patent Examiner, Art
Unit 3627